REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Office Action dated December 30, 2004. In that Office Action, claims 1-9 were examined, and all claims were rejected. More specifically, claims 1-9 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,643,670; claims 1-3, 6, 7, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al. (USPN 5,713,017) and John Fontana ("How to Avoid Directory Service Headaches"), and further in view of Lever (USPN 5,944,840); and claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al., Fontana and Lever as applied to claims 1, 2 and 3, and further in view of Landan (USPN 6,449,739). Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1 and 9 have been amended; and no claims have been canceled.

Double Patenting

Claims 1-9 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,643,670. A terminal disclaimer is submitted herewith to overcome the rejection in accordance with 37 C.F.R. 1.321(c), along with our check in the amount of $130 as payment of the fee for this Terminal Disclaimer. Accordingly, Applicant respectfully requests that the double patenting rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6, 7, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al. (USPN 5,713,017) and John Fontana ("How to Avoid Directory Service Headaches"), and further in view of Lever (USPN 5,944,840). Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al., Fontana and Lever as applied to claims 1, 2 and 3, and further in view of Landan (USPN 6,449,739). Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103(a), on the grounds that Lin et al., Fontana, and Lever fail to disclose or suggest all of the limitations of the pending claims. More

specifically, Lin et al. does not disclose or suggest maintaining, by one or more of the plurality of servers, a replica partner vector table that includes for each other server from which the server replicates, the update sequence number of such other server at a time of a most recent replication from such other server or the timestamp of the last successful replication attempt with such other server.

Amended claims 1 and 9 relate to a method for communicating updates between servers in a computer network. As amended, claims 1 and 9 clarify the invention by removing unnecessary limitations. As discussed in detail below, nothing in the prior art shows the use of a separate update sequence number for each server from which a given server replicates, such that no new search is required, in Applicant's opinion. As defined in the claims, embodiments of the present invention use a replica partner vector table that includes, for each other server from which the server replicates, an update sequence number or the timestamp of the last successful replication attempt with such other server. The vector table contains a separate update sequence number for *each server* from which it replicates. In contrast, Lin et al. discloses a single update sequence number for an entire group of replicating servers. The sequence number is updated for each action requested by a client rather than for each server. Lin et al. further requires that one server in the group be designated the sequencer; that server alone updates the sequence number each time the group receives a request from a client. Lin et al. doesn't need an update sequence number for each other server in the group because the client initiates update requests to all servers simultaneously. Finally, Lin et al. would not function if each server had a separate update sequence number because the invention depends on a single update sequence number that is issued by the designated sequencer.

Fontana does not satisfy the inadequacies of Lin. In fact, no other reference discloses the use of an update sequence number for each server. Fontana discusses the use of update sequence numbers or, alternatively, the use of timestamps for making sure updates are made in sequence. However, there is no suggestion to use timestamps for monitoring replication latency as is done in the present invention. In fact, Fontana states that "Microsoft took a pragmatic approach" by not using timestamps to sequence updates.

To establish *prima facie* obviousness under 35 U.S.C. 103(a), three basic criteria must be met: (1) the reference or references when combined must teach or suggest each claim limitation; (2) there must be some suggestion or motivation to combine the references or modify the reference teaching; and (3) there must be a reasonable expectation of success (Manual of Patent Examining Procedure 2142). Applicant submits that the Office Action failed to state a *prima facie* case of obviousness, and therefore the burden has not properly shifted to Applicant to present evidence of nonobviousness.

Applicant respectfully asserts that the Examiner has failed to establish a *prima facie* case of obviousness because the reference fails to disclose or suggest all of the limitations of the pending claims. Specifically, Applicant asserts that Lin et al. does not disclose maintaining an update sequence number for each server from which a given server replicates. The Examiner asserts that the disclosure regarding the update sequence number can be found at col. 6, lines 1-25 of Lin et al. Applicant has reviewed Lin et al. and the other cited references in detail and has found no mention of maintaining a separate update sequence number for each server.

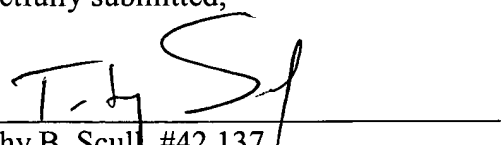
Conclusion

A Petition for a three-month extension of time is enclosed with this Response, along with our check in the amount of $1,020 as payment of the requisite fee. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: 6/9/05



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